

# COMMITTEE REPORT

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## MR. PRESIDENT:

**The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 126, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Page 1, delete lines 1 through 3, begin a new paragraph and insert:
- 5 "SECTION 1. IC 35-48-3-11, AS ADDED BY P.L.157-1999,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2001]: Sec. 11. (a) Only a physician licensed under IC 25-22.5
- 8 may treat a patient with a Schedule III or Schedule IV controlled
- 9 substance for the purpose of weight reduction or to control obesity.
- 10 (b) A physician licensed under IC 25-22.5 may not prescribe,
- 11 dispense, administer, supply, sell, or give any amphetamine,
- 12 sympathomimetic amine drug, or compound designated as a Schedule
- 13 III or Schedule IV controlled substance under IC 35-48-2-8 and
- 14 IC 35-48-2-10 for a patient for purposes of weight reduction or to
- 15 control obesity, unless the physician does the following:
- 16 (1) Determines:
- 17 (A) through review of:
- 18 (i) the physician's records of prior treatment of the patient;
- 19 or
- 20 (ii) the records of prior treatment of the patient provided by
- 21 a previous treating physician or weight loss program;

- 1 that the physician's patient has made a reasonable effort to lose
- 2 weight in a treatment program using a regimen of weight
- 3 reduction based on caloric restriction, nutritional counseling,
- 4 behavior modification, and exercise without using controlled
- 5 substances; and
- 6 (B) that the treatment described in clause (A) has been
- 7 ineffective for the physician's patient.
- 8 (2) Obtains a thorough history and performs a thorough physical
- 9 examination of the physician's patient before initiating a treatment
- 10 plan using a Schedule III or Schedule IV controlled substance for
- 11 purposes of weight reduction or to control obesity.
- 12 (c) A physician licensed under IC 25-22.5 may not begin and shall
- 13 discontinue using a Schedule III or Schedule IV controlled substance
- 14 for purposes of weight reduction or to control obesity after the
- 15 physician determines in the physician's professional judgment that:
- 16 (1) the physician's patient has failed to lose weight using a
- 17 treatment plan involving the controlled substance;
- 18 (2) the controlled substance has provided a decreasing
- 19 contribution toward further weight loss for the patient unless
- 20 continuing to take the controlled substance is medically necessary
- 21 or appropriate for maintenance therapy;
- 22 (3) the physician's patient:
- 23 (A) has a history of; or
- 24 (B) shows a propensity for;
- 25 alcohol or drug abuse; or
- 26 (4) the physician's patient has consumed or disposed of a
- 27 controlled substance in a manner that does not strictly comply
- 28 with a treating physician's direction.
- 29 ~~(d) A physician licensed under IC 25-22.5 may not prescribe, order,~~
- 30 ~~dispense, administer, supply, sell, or give any:~~
- 31 ~~(1) amphetamine;~~
- 32 ~~(2) sympathomimetic amine drug; or~~
- 33 ~~(3) compound;~~
- 34 designated as a Schedule III or Schedule IV controlled substance as
- 35 provided in IC 35-48-2-8 and IC 35-48-2-10 for purposes of weight
- 36 reduction or to control obesity for a patient for more than three ~~(3)~~
- 37 ~~nonrefillable thirty (30) calendar day supplies in any three hundred~~
- 38 ~~sixty-five (365) day period. The physician shall reevaluate the patient~~

- 1     ~~before prescribing, ordering, dispensing, administering, supplying,~~
- 2     ~~selling, or giving the second or third nonrefillable thirty (30) calendar~~
- 3     ~~day supply of a controlled substance as provided in this subsection."~~  
      (Reference is to SB 126 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

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**Senator Miller, Chairperson**